

RECEIVED
CENTRAL FAX CENTER

Doc Code: AP.PRE.REQ

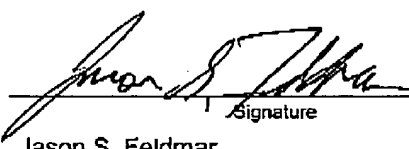
JUL 08 2008

PTO/SB/33 (07-05)

Approved for use through 10/10/2008. QMB 0851-00xx

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional) 30566.17-US-C3	
		Application Number 10/642,857	Filed 08/18/2003
		First Named Inventor Gregory A. Roy et al.	
		Art Unit 2628	Examiner Phu K. Nguyen
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p> <p>I am the</p> <p><input type="checkbox"/> applicant/inventor.</p> <p><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</p> <p><input checked="" type="checkbox"/> attorney or agent of record. 39,187 Registration number _____</p> <p><input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____</p> <p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.</p> <p><input type="checkbox"/> *Total of _____ forms are submitted.</p>			
 Signature Jason S. Feldmar Typed or printed name 310-641-8797 Telephone number July 8, 2008 Date			

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

**RECEIVED
CENTRAL FAX CENTER**

JUL 08 2008

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

**RECEIVED
CENTRAL FAX CENTER**

JUL 08 2008

Due Date: July 8, 2008

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Gregory A. Roy et al.	Examiner:	Phu K. Nguyen
Serial No.:	10/642,857	Group Art Unit:	2628
Filed:	August 18, 2003	Docket:	G&C 30566.17-US-C3
Title:	VECTOR-BASED GEOGRAPHIC DATA		

PRE-APPEAL BRIEF REQUEST FOR REVIEW ARGUMENTS

MAIL STOP AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the final Office Action dated April 8, 2008 and the Advisory Action dated July 1, 2008, Applicants hereby submit a Notice of Appeal accompanied by a Pre-Appeal Brief Request for Review. The claims have not been amended. Appellants submit that based on the claims and cited art, there are clear errors in the examiner's rejections and further, the rejections fail to establish essential elements needed for a prima facie rejection.

Failure to Establish Prima Facie Case under 35 U.S.C. §103(a)

Appellants directs the panel to pages 11-19 of the Request for Reconsideration filed by Appellant on June 5, 2008 for the substance of the arguments. Based on such arguments, Appellants submit that there is clear error in the examiner's rejection. Such failures are more clearly set forth below.

Obtaining a Map File in Response to a Request for a Map Picture

Appellant directs the Panel to pages 11-12 of the Request for Reconsideration filed by Appellant on June 5, 2008 for the substance of the arguments. As set forth therein, Kochevar's query result is neither equivalent to nor does it even remotely resemble a map file as claimed.

In response to such arguments, the Advisory Action now asserts:

Examiner maintains that in order to display a map, the system must access to a file to gather the information for display a map, and such display file is equivalent to the claimed "map file".

Appellants note that such an assertion lacks any foundation or support in the references or otherwise. Accessing a file needed to display anything cannot be equivalent to a file that is a "map file" as claimed. It is clear from the references that Kochevar returns a query result and there is no mention of relying on a file to gather information for displaying a map. Further, to assert that a system must access a file to gather information to display a map and that such a display file is equivalent to the claimed map file relies on the Examiner's own unsupported allegations without taking official notice and without support in the references or otherwise. Such a rejection is not only improper but is clearly in error and fails to establish a prima facie case of nonobviousness.

Ability to Determine URL That Identifies a Storage Location of Vector Map Data that Defines a Map Object for a Requested Map Picture

Appellants direct the attention of the panel to pages 12-15 of the Request for Reconsideration filed by Appellant on June 5, 2008 for the substance of the arguments.

In this regard, the Examiner continues to rely on an "inherent" use of a file without any support in the cited references or otherwise (despite Appellants continual requests for such support). Such a reliance is clearly an error and therefore fails to establish a prima facie case of non-obviousness.

Vector Based Map Data Defining One or more Map Objects of the Map Picture

Appellants direct the attention of the panel to pages 15-16 of the Request for Reconsideration filed by Appellant on June 5, 2008 for the substance of the arguments.

As stated therein, the Office Action is attempting to improperly map the claim elements and fails to consider the claims and their limitations as a whole. In this regard, the Office Action is clearly in error and fails to establish a prima facie case of non-obviousness.

Retrieving Vector Based Map Data From the Storage Location at a URL

Appellants direct the attention of the panel to pages 16-18 of the Request for Reconsideration filed by Appellant on June 5, 2008 for the substance of the arguments.

The claims provide for obtaining vector based map data from the storage location at the URL. The Examiner continues to assert that links to other web sites meet such a limitation. However, such an assertion fails to recognize the clearly set forth claim limitations and is an omission of an essential element needed to establish a prima facie rejection. Further, such an assertion is clearly an error in the Office Action.

In view of the above, it is submitted that this application is now in good order for allowance and such allowance is respectfully solicited. Should the Examiner believe minor matters still remain that can be resolved in a telephone interview, the Examiner is urged to call Applicant's undersigned attorney.

Respectfully submitted,

GATES & COOPER LLP

Howard Hughes Center
6701 Center Drive West, Suite 1050
Los Angeles, California 90045
(310) 641-8797

Date: July 8, 2008

By: 

Name: Jason S. Feldmar

Reg. No.: 39,187